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| 10/643,516 | 08/19/2003 | J. David Payne | 57442/03-533 | 4504 |
| 22206 7590 09/04/2008 FELLERS SNIDER BLANKENSHIP BAILEY & TIPPENS THE KENNEDY BUILDING 321 SOUTH BOSTON SUITE 800 TULSA, OK 74103-3318 | | | | |
| EXAMINER TRAN, NGHI V | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/643,516

Applicant(s)

PAYNE, J. DAVID

Examiner

NGHI V. TRAN

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 01/30/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed on April 30, 2008. No claims have been amended. No claims have been canceled. Therefore, claims 1-16 are presented for further examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Peters et al., United States Patent Number 5,842,195 (hereinafter Peters).

4. Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Peters et al., United States Patent Number 5,842,195 (hereinafter Peters).

5. With respect to claim 7, Peters teaches a method for collecting survey data [= survey database **102**, see figs.13-14] from a user [= obtaining information from a plurality of computer users **7** to **12**, see abstract], comprising:

- (a) designing a questionnaire [= construct a survey questionnaire document, col.2, ll.66-67] having branching logic [= branched-to-questions, col.5, ll.49 through col.6, ll.30] on a first computer platform [= a "survey author", col.2, ll.65-67] [see fig.1 and fig.13];
- (b) automatically [= automatically present the information in an already collated and format, col.3, ll.39-41] transferring said designed questionnaire to at least one communication networked computer [col.6, ll.40-52];
- (c) executing said transferred questionnaire on said communication networked computer, thereby collecting responses from the user [fig.13 and col.21, ll.59 through col.23, ll.29];
- (d) automatically transferring via the communication network any responses so collected to a central computer [= collator collects all the response survey, step 106, 108, and 110] [fig.13]; and,
- (e) making available in a database [= database 102] any responses transferred to said central computer in step (d) [fig.13].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peters as applied in claim 7 above, in view of Joao, U.S. Patent Application Publication No. 2001/0056374 (hereinafter Joao).

8. With respect to claim 8, Peters does not explicitly show assessing a charge for each transferred response received by said central computer.

In a method for collecting survey data, Joao discloses assessing a charge [i.e. compensation, rewards, rebates and/or incentives can be provided for viewing, reviewing, participating in and/or interacting with, the entire survey, poll and/or questionnaire, paragraph 0230] for each transferred response received by said central computer [paragraphs 0228-0037].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Joao by assessing a charge for each transferred response received by said central computer because this feature can receive compensation, a reward, a rebate, and/or an incentive [Joao, paragraph 0009]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to facilitate commerce between any parties and/or any number of parties [Joao, paragraph 0009].

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9. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters, as applied in claim 7 above, in view of Porter, United States Patent Number 6,163,811 (hereinafter Porter).

10. With respect to claim 13, Peters does not explicitly show tokenizing said designed questionnaire, thereby producing a plurality of tokens representing said questionnaire.

In a managing data method, Porter suggests tokenizing said questionnaire for reducing bandwidth requirements [= tokenized form, generated from an original form, thereby reducing transmission bandwidth requirement on communication medium 180, see figs.1a-c and its decryptions].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Porter by tokenizing said questionnaire for reducing bandwidth requirements because this feature is using compression techniques to distribute source files over a network while minimizing the network bandwidth [Porter, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to reduce transmission bandwidth requirement [Porter, col.1, lns.65-67].

11. With respect to claim 14, Peters does not explicitly show wherein said remote computing device is a loosely networked computer.

In a related art, Brookler discloses wherein said remote computing device is a loosely networked computer [= SMS, WAP, PALM OS, fig.3].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Porter, and further in view of Brookler by implementing said remote computing device via a loosely networked computer because this feature may participate in the survey regardless of the means by which they choose to connect to the network [Brookler, paragraph 0003]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to allow some retroactive compatibility with older versions of web browsers [Brookler, paragraph 0056].

12. Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al., United States Patent Number 5,842,195 (hereinafter Peters, in view of Porter, United States Patent Number 6,163,811 (hereinafter Porter).

13. With respect to claim 1, Lew teaches a method for managing data [see abstract] including the steps of:

- (a) creating a questionnaire [= construct a survey questionnaire document, col.2, ll.66-67] comprising a series of questions [= branched-to-questions, col.5, ll.49 through col.6, ll.30] [see fig.1 and fig.13];
- (b) transmitting said designed questionnaire to a remote computing device [col.6, ll.40-52];

- (c) executing said transferred questionnaire on said communication networked computer, thereby collecting responses from the user [fig.13 and col.21, ll.59 through col.23, ll.29];
- (d) automatically transferring via the communication network any responses so collected to a central computer [= collator collects all the response survey, step 106, 108, and 110] [fig.13]; and,
- (e) making available in a database [= database 102] any responses transferred to said central computer in step (d) [fig.13].

However, Peters does not explicitly show tokenizing said questionnaire for reducing bandwidth requirements.

In a managing data method, Porter suggests tokenizing said questionnaire for reducing bandwidth requirements [= tokenized form, generated from an original form, thereby reducing transmission bandwidth requirement on communication medium 180, see figs.1a-c and its decryptions].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Porter by tokenizing said questionnaire for reducing bandwidth requirements because this feature is using compression techniques to distribute source files over a network while minimizing the network bandwidth [Porter, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to reduce transmission bandwidth requirement [Porter, col.1, lns.65-67].

14. With respect to claim 3, Peters further teaches wherein step (a) includes the substeps of: (a) creating a questionnaire [= authoring/creating survey] by:

(i) entering a series of questions into a questionnaire design computer program [fig.2];

(ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions [figs.11-12]; and

(iii) identifying within said questionnaire design computer program a branching path in said questionnaire for each possible response to each question of said series of questions [= branched-to-questions, col.5, ll.49 through col.6, ll.30 [fig.1 and 13].

15. With respect to claim 4, Peters does not explicitly show (i) assigning at least one token to each question of said series of questions; (ii) assigning at least one token to each response called for in said series of questions to identify the type of response required; and (iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch.

In a managing data method, Porter suggests tokenizing said questionnaire for reducing bandwidth requirements [= tokenized form, generated from an original form, thereby reducing transmission bandwidth requirement on communication medium **180**, see figs.1a-c and its decryptions].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Porter by tokenizing said questionnaire for reducing bandwidth requirements because this feature is using

compression techniques to distribute source files over a network while minimizing the network bandwidth [Porter, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to reduce transmission bandwidth requirement [Porter, col.1, Ins.65-67].

16. With respect to claim 5, Peters does not explicitly show wherein the transmission of said tokens in step (c) occurs via the network of step (e).

In a managing data method, Porter suggests wherein the transmission of said tokens in step (c) occurs via the network of step (e) [= tokenized form, generated from an original form, thereby reducing transmission bandwidth requirement on communication medium **180**, see figs.1a-c and its decryptions].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Porter by tokenizing said questionnaire for reducing bandwidth requirements via the network because this feature is using compression techniques to distribute source files over a network while minimizing the network bandwidth [Porter, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to reduce transmission bandwidth requirement [Porter, col.1, Ins.65-67].

17. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Porter, as applied to claim 1 above, and further in view of Brookler et

al., United States Patent Application Publication Number 2002/0007303 (hereinafter Brookler).

18. With respect to claim 2, Peters does not explicitly show the step of: (g) translating said response to a format recognizable by a particular computer program; and (h) accessing the translated response from a computer executing said particular computer program.

In a method for managing data, Brookler suggests the step of: (g) translating said response to a format recognizable [= markup language translation layer 96] by a particular computer program [paragraphs 0072-0083]; and (h) accessing the translated response from a computer executing said particular computer program [paragraphs 0028-0033 and 0050-0059 and fig.1 and fig.3].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Porter, and further in view of Brookler by accessing a translated response to a format recognizable by a particular computer program because this feature may participate in the survey regardless of the means by which they choose to connect to the network [Brookler, paragraph 0003]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to allow some retroactive compatibility with older versions of web browsers [Brookler, paragraph 0056].

19. With respect to claim 12, Peters does not explicitly show wherein said remote computing device is a loosely networked computer.

In a related art, Brookler discloses wherein said remote computing device is a loosely networked computer [= SMS, WAP, PALM OS, fig.3].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peters in view of Porter, and further in view of Brookler by implementing said remote computing device via a loosely networked computer because this feature may participate in the survey regardless of the means by which they choose to connect to the network [Brookler, paragraph 0003]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to allow some retroactive compatibility with odder versions of web browsers [Brookler, paragraph 0056].

20. Claims 6 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brookler in view of Gresham et al., United States Patent Application Publication Number 2002/0160773 (hereinafter Gresham).

21. With respect to claims 6 and 9, Brookler teaches a method for managing data transfers between computers [see abstract and fig.1] including the steps of:

(a) creating a questionnaire [= create surveys, step 1] at a first site [= surveyors 16, 18, and 20] in a first computer [= PC 20] located at a second site [fig.1], said first site

and said second site being connected by a loose network [= WAP, SMS, Palm OS, fig.6];

(b) transmitting said question to a remote computer [= respondents/users] via said network, said remote computer running an OIS [= cell phone 16, palm OS 18];

(c) modifying said questionnaire at a third site in said first computer located at said second site [= responses, step 3]; and

(d) transmitting said responses from said first computer to said remote computer via said loose network [fig.1];

(e) modifying said questionnaire in said remote computer with said response [paragraphs 0069].

However, Brookler does not explicitly show modifying with incremental changes.

In a wireless system, Gresham discloses modifying with incremental changes [= updating live data analysis, paragraph 0110 and fig.1].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Brookler in view of Gresham by modifying with incremental changes because this feature enables updating cache [Gresham, paragraph 0110]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to update within each page without having to reload all of each page [Gresham, paragraph 0110].

22. With respect to claim 10, Brookler further teaches wherein said first site and said third site are the same [fig.1].

23. With respect to claim 11, Brookler further teaches wherein said third site is at said remote computer [fig.1].

24. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brookler in view of Gresham, as applied in claim 9 above, in view of Porter, United States Patent Number 6,163,811 (hereinafter Porter).

25. With respect to claims 15-16, Brookler does not explicitly show tokenizing said designed questionnaire, thereby producing a plurality of tokens representing said questionnaire.

In a managing data method, Porter suggests tokenizing said questionnaire for reducing bandwidth requirements [= tokenized form, generated from an original form, thereby reducing transmission bandwidth requirement on communication medium **180**, see figs.1a-c and its decryptions].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Brookler-Gresham, and further in view of Porter by tokenizing said questionnaire for reducing bandwidth requirements because this feature is using compression techniques to distribute source files over a network

while minimizing the network bandwidth [Porter, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to reduce transmission bandwidth requirement [Porter, col.1, lns.65-67].

Response to Arguments

26. Applicant's arguments, see the remarks, filed April 30, 2008, with respect to the rejection(s) of claim(s) 1-16 under Sendowski and Lew have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Peters et al. and Brookler et al.

Conclusion

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi Tran
Patent Examiner
Art Unit 2151

July 24, 2008

.....
/John Follansbee/
Supervisory Patent Examiner, Art Unit 2151